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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,358	08/15/2000	Joseph D. Mosca	640100-383	[illegible]

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EXAMINER	
WEHBE, ANNE MARIE SABRINA	
ART UNIT	PAPER NUMBER
3632	12

DATE MAILED: [illegible] 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No. 09/638,358	Applicant(s) Mosca	
Examiner Anne Marie Wehbé	Art Unit 1632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED *Feb 3, 2003* FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on ______________. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ they raise the issue of new matter (see NOTE below);

(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: ______________

3. ☒ Applicant's reply has overcome the following rejection(s):
The rejection of claims 1-15 under 35 U.S.C. 112, first and second paragraphs.

4. ☐ Newly proposed or amended claim(s) ______________ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
The grounds of rejection stand over new claims 19-39. Applicant's arguments do not overcome the rejection of the claims under 103 for reasons of record. Specifically, Robinson teaches the genus of engineered antigen presenting ••

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: ______________

Claim(s) objected to: ______________

Claim(s) rejected: *19-39*

Claim(s) withdrawn from consideration: ______________

8. ☐ The proposed drawing correction filed on ______________ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). ______________

10. ☒ Other:*....cells. Gerson provides the motivation for modifying mesenchymal stem cells according to Robinson's methods and the reasonable expectation of success.*

ANNE M. WEHBE' PH.D
PRIMARY EXAMINER